# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Mail Stop Patent Application**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Prior Application Art Unit: 1626     Prior Application Examiner: D. Lambkin

SIR: This is a request for filing a

☒ Continuation ☐ Continuation-in-Part ☐ Divisional Application under 37 C.F.R.
§ 1.53(b) of pending Application No. 10/201,050 filed July 24, 2002, of Wendelin FRICK, Alfons ENHSEN, Heiner GLOMBIK, and Hubert HEUER for Benzothiepine 1, 1-Dioxide Derivatives, A Process For Their Preparation, Pharmaceuticals Comprising These Compounds, And Their Use

1.  ☒  Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of Application No. 10/201,050 as originally filed on July 24, 2002.

2.  ☐  Enclosed is a substitute specification under 37 C.F.R. § 1.125. The undersigned hereby verifies that no new matter is added in this substitute specification.

3.  ☐  Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 122(b)(2)(B)(i).

4.  ☐  Please cancel claims ___.

5.  ☒  A Preliminary Amendment is enclosed.

6.  ☒  The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

| Basic Application Filing Fee | | | | $750 | $ 750.00 |
|---|---|---|---|---|---|
| | Number of Claims | | Basic | Extra Claims | |
| Total Claims | 9 | - 20 | 0 | x $18 | |
| Independent Claims | 1 | - 3 | 0 | x $84 | |
| ☐ Presentation of Multiple Dep. Claim(s) | | | | +$280 | 0 |
| Subtotal | | | | | $ |
| Reduction by 1/2 if small entity | | | | | - 0 |
| TOTAL APPLICATION FILING FEE | | | | | $ 750.00 |

7.  ☒  A check in the amount of $750.00 to cover the filing fee is enclosed.

8.  ☒  The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.

9.  ☐  Amend the specification by inserting before the first line, the following new paragraph:

10. ☐  New acceptable drawings are enclosed.

11. ☒  The prior application is assigned of record to:  Aventis Pharma Deutschland GmbH

12. ☒  Priority of Application No. 19825804.6, filed on June 10, 1998, in Germany is claimed under 35 U.S.C. § 119.  A certified copy

      ☐ is enclosed or    ☒ is on file in prior Application No. 09/398,315, filed on September 20, 1999.

13. ☐  Small entity status is appropriate and applies to this application.

14. ☒  The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal,

Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Roger D. Taylor, Reg. 28,992; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33, 921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Lori Ann Johnson, Reg. No. 34,498; R. Bruce Bower, Reg. No. 37,099; John Rissman, Reg. No. 33,764; Therese A. Hendricks, Reg. No. 30,389; Leslie I. Bookoff, Reg. No. 38,084; Michele C. Bosch, Reg. No. 40,524; Michael J. Flibbert, Reg. No. 33,234; Scott A. Herbst, Reg. No. 35,189; Leslie A. McDonell, Reg. No. 34,872; Thalia V. Warnement, Reg. No. 39,064; Ronald A. Bleeker, Reg. No. 27,773; Kathleen A. Daley, Reg. No. 36,116; C. Gregory Gramenopoulos, Reg. No. 36,532; Anthony M. Gutowski, Reg. No. 38,742; Yitai Hu, Reg. No. 40,653; Lionel M. Lavenue; Reg. No. 46,859; Christine E. Lehman, Reg. No. 38,535, and Steven J. Scott, Reg. No. 43,911.

15. ☒ The power appears in the original declaration of the prior application.

16. ☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.

17. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852**.

18. ☐ Recognize as associate attorney _____

19. ☒ Also enclosed is an Information Disclosure Statement and PTO 1449 form.

PETITION FOR EXTENSION.  If any extension of time is necessary for the filing of this application, including any extension in parent Application No. 10/201,050, filed July 24, 2002, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916.  A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 27, 2003                        By:_____
                                                    Steven J. Scott
                                                    Reg. No. 43,911